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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gary K. Michelson, M.D.

Serial No: N/A

Filed: N/A

For: SPINAL IMPLANT SURFACE
CONFIGURATION

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INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98

Box Patent Application
Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicant bring to the attention of the Examiner the documents listed on the attached PTO Form 1449. This Information Disclosure Statement is being filed prior the events recited in Section 1.97(b).

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making the appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material to patentability or constitute "prior art". If the Examiner applies any of the documents as prior art against any claim in the application and applicant determines that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If it should be determined that for any reason either an insufficient or excessive fee has been paid, please charge any insufficiency or credit any overpayment necessary to ensure consideration of the information disclosure statement for the above-identified application to Deposit Account No. 50-1066. A copy of this paper is enclosed.

Respectfully submitted,

MARTIN & FERRARO LLP

Date: December 8, 1999

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